REMARKS

This Application has been reviewed in light of the final Office Action mailed August 1, 2005. All pending claims 1-34 were rejected in the Office Action. For the reasons discussed below, Applicant respectfully requests reconsideration and allowance of all pending Claims 1-34.

First Section 103 Rejection

Claims 1, 8, 9, 10, 17, 18, 25, 26, 29, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,570,871 issued to Schneider ("*Schneider*") in view of U.S. Patent No. 6,272,134 issued to Bass et al. ("*Bass*"). Applicant respectfully disagrees.

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained at least because (even assuming for the sake of argument that the references did suggest or motivate a combination of the references to a person of ordinary skill in the art at the time of the invention) *Schneider* and *Bass* whether considered singly, in combination with one another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fail to disclose all of the elements of the pending claims.

Claim 1 recites the following:

> A communications system, comprising:
> a mobile unit operable to transmit redundant content to a plurality of base transceiver stations, a copy of the content transmitted to each base transceiver station being encoded using a code that is related to the codes used to encode copies of the content transmitted to the other base transceiver stations;
> a plurality of base transceiver stations, each base transceiver station operable to:
> receive a copy of the coded content from the mobile unit;

> generate a packet including the coded content; and
> communicate the packet; and
> a decoder operable to:
> receive a plurality of packets each including a copy of the coded content, each packet generated at a different base transceiver station;
> decode the content in the packets by concatenating the related codes used to encode each copy of the content; and
> generate one or more redundant packets including the decoded content.

Independent Claims 10, 18, 26, 29, and 32 recite similar, although not identical, limitations.

Claim 1 (as well as Claims 10, 18, 26, 29, and 32) are allowable because neither *Schneider* nor *Bass* disclose, teach, or suggest each and every one of these limitations. For example, neither reference discloses "a copy of the content transmitted to each base transceiver station being encoded using a code that is related to the codes used to encode copies of the content transmitted to the other base transceiver stations." Although *Schneider* discloses that the mobile station uses a speech coder, as pointed out by the Examiner, there is no disclosure in *Schneider* that multiple copies of the same content are coded using related codes. Even if it were obvious to combine *Schneider*'s coded signals with *Bass*'s multicasting feature, as asserted by the Examiner, there is no disclosure in either reference that multiple copies of the same content are coded using *related* codes. Furthermore, the Office Action does not address this limitation.

In addition, neither *Schneider* nor *Bass* disclose, teach, or suggest "a plurality of base transceiver stations, each base transceiver station operable to: receive a copy of the coded content from the mobile unit [and] generate a packet including the coded content." The Examiner asserts that this limitation is disclosed in *Schneider* at Column 12, lines 8-16. The cited material states,

> "*As described below*, the modulated wireless signal output by the CDMA digital telephone is received at a base station, and the modulated wireless signal is demodulated by despreading the signal with the appropriate codes to recover the encoded digital voice samples. After the error correction codes are stripped off, the decoded digital voice samples corresponding to the output of

> the speech coder are packetized for transmission via the packet switched network." (emphasis added)

The Examiner interprets this passage to disclose that the base station, after receiving the modulated wireless signal output, later demodulates, decodes, and packetizes the output. However, the only disclosure that this passage definitively makes about the base station is that "the modulated wireless signal output...is received at a base station." The passage does not disclose that the functions performed after the base station receives the signal output, mainly, demodulating, decoding, and packetizing, take place at the base station. In fact, the passage itself directs the reader to refer to the ensuing paragraphs, by stating "as described below," to seek clarification about what the passage discloses.

The ensuing paragraphs and references to figures clearly show that *Schneider* does not teach that any packetization is performed within the base station. In Figure 5, *Schneider* discloses that the base station (66) includes antennas (162a and 162b), a filter (164), a demodulator (166), a TDMA detector (168), possibly a decoder (172), and a transcoder (170). *See Column 12; lines 17-49; Figure 6A; Column 13, lines 30-33.* None of these devices perform any sort of packetization. In fact, *Schneider* discloses that packetization only occurs at the gateway interface, and a signal must travel from the base station, then through a base station controller, and finally through a mobile switching center to reach this interface. *See Column 15, lines 16-33; Figures 2, 8A and 8B.* Therefore, the base transceiver station in *Schneider* is not operable to generate a packet including the coded content, as required by the claims.

Furthermore, neither *Schneider* nor *Bass* disclose, teach, or suggest "a decoder operable to: receive a plurality of packets each including a copy of the coded content, each packet generated at a different base transceiver station; [and] decode the content in the packets by concatenating the related codes used to encode each copy of the content." For an alleged teaching of this limitation, the Examiner refers to Column 9, line 56 through Column 10, line 9 and Column 12, lines 17-49 of *Schneider*. The cited text refers to a channel coder of a mobile station that may use concatenation channel coding, and a decoder located in the base station or mobile switching center that presumably decodes the concatenation code. This codification and decodification in *Schneider* is different from the claim limitation in the

present Application. In the present Application, the decoder is operable to decode the content in a plurality of packets generated at different base transceiver stations by concatenating the related codes used to encode each copy of the content. In other words, the related codes are used together in decoding the coded content. *Schneider* simply does not teach this concatenation decoding procedure. The decoder in *Schneider* at Column 12, lines 17-49 does not receive packets generated at different base transceiver stations and does not decode these packets by concatenating the related codes encoding the copies of the content.

For at least these reasons, Applicant respectfully submits that Claims 1, 10, 18, 26, 29, and 32, as well as the claims that depend from these independent claims, are in condition for allowance. Therefore, reconsideration and favorable action are requested.

Second Section 103 Rejection

Claims 2, 3, 11, 12, 19, 20, 27, 28, 30, 31, 33, and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Schneider* in view of *Bass* and in further view of U.S. Patent No. 6,785,254 issued to Korus et al. ("*Korus*"). Applicant respectfully disagrees.

As the Examiner points out, *Schneider* (or *Bass*) does not disclose the limitations of Claims 2, 11, 19, 27, 30, and 33. For example, Claim 2 requires "a router operable to: receive a plurality of redundant packets from the decoder; and select one of the redundant packets using a packet selection technique." The Examiner asserts that these limitations are disclosed in *Korus*--citing the Abstract, Column 3, lines 18-36, Column 6, lines 40-65, Column 10, lines 42-55, and Column 12, line 61 through Column 13, line 9 of that reference. However, none of these passages, nor any other portion of *Korus*, disclose receiving a plurality of redundant packets at a router and selecting one of these packets using a packet selection technique. The Abstract and text cited at Column 12, line 61 through Column 13, line 9 disclose selecting a network routing device from among a number of network routing devices as a function of various communication system performance and/or quality of service attributes. This is not the same as a single router receiving a plurality of redundant packets and then selecting one of the redundant packets using a packet selection technique. The cited text at Column 3, lines 18-36 discloses several multicast IP protocols available for use in packet network 201 of the system 200. However, neither these protocols nor anything else in

the cited text discloses a router selecting one packet from a number of redundant packets using a packet selection technique. The cited text at Column 6, lines 40-65 discloses a router capable of forwarding data based on the Internet Group Management Protocol and a multicast routing protocol. However, this router does not select one packet from a number of redundant packets using a packet selection technique, as required by the claim. The cited text at Column 10, lines 42-55 discloses a step in a flowchart where one of the unique multicast IP addresses within the map of the selected Rendezvous Point is selected. Even assuming, as the Examiner does, that these unique IP addresses are stored in packets, neither the cited text nor anything else in *Korus* discloses that these IP address packets are redundant, as required by the claim limitation. Therefore, for at least these reasons (in addition to depending from an allowable independent claim), Applicant respectfully requests reconsideration and allowance of Claims 2, 11, 19, 27, 30 and 33.

Claims 3, 12, 20, 28, 31, and 34 add even further limitations to Claims 2, 11, 19, 27, 30, and 33, respectively. For example, Claim 20 requires "selecting a redundant packet based on a value of a metric included in each packet, the value of the metric in each packet associated with communications between the mobile unit and the base transceiver station that received the copy of the content included in the packet from the mobile station." The Examiner asserts that these limitations are disclosed in *Korus*--citing the Abstract, Column 3, lines 18-36, and Column 12, line 61 through Column 13, line 9 of that reference. The Examiner also argues that *Korus* discloses a controller selecting a unique multicast IP address based on a number of metrics, presumably combining the text in Column 10, lines 42-55 and Column 12, line 61 through Column 13, line 9. *Korus*, however, only discloses selecting a network routing device from among a number of network routing devices based on certain attributes. *See Column 12, line 61 through Column 13, line 9.* Furthermore, even assuming the unique IP addresses are stored in packets, *Korus* does not disclose that the unique IP address packets are redundant or that one of the packets is selected by a router based on the value of a metric included in each packet, the value associated with communications between the mobile unit and the base transceiver station that received the copy of the content included in the packet from the mobile station. Therefore, for at least these reasons (in addition to depending from an allowable independent claim and from Claims 2, 11, 19, 27, 30 and 33),

Applicant respectfully requests reconsideration and allowance of Claims 3, 12, 20, 28, 31 and 34.

Third Section 103 Rejection

Claims 4, 5, 13, 14, 21, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Schneider* in view of *Bass* and in further view of U.S. Patent No. 6,549,542 issued to Dong et al. ("*Dong*"). Claims 4, 5, 13, 14, 21 and 22 each depend from one of the independent claims discussed above. At least because they depend from an allowable dependent claim, Applicant respectfully requests reconsideration and allowance of Claims 4, 5, 13, 14, 21 and 22.

Fourth Section 103 Rejection

Claims 6, 7, 15, 16, 23, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Schneider* in view of *Bass* and in further view of U.S. Patent No. 6,611,513 issued to ten Brunk ("*ten Brunk*"). Claims 6, 7, 15, 16, 23 and 24 each depend from one of the independent claims discussed above. At least because they depend from an allowable dependent claim, Applicant respectfully requests reconsideration and allowance of Claims 6, 7, 15, 16, 23 and 24.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicant, at the Examiner's convenience at (214) 953-6986.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

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